

Treaty Between Great Britain and Nicaragua for the Mutual Extradition of Fugitive Criminals.

E101299

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; and His Excellency the President of the Republic of Nicaragua; Having determined, by common consent, to conclude a Treaty for the extradition of criminals, have accordingly named as their Plenipotentiaries:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India,

Herbert William Broadley Harrison, Esquire, Companion of the Most Distinguished Order of Saint Michael and Saint George, His Majesty's Chargé d'Affaires in the Republic of Nicaragua; and

His Excellency the President of Nicaragua,

Doctor Adolfo Altamirano, Minister of Foreign Affairs;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles: -

Article I

The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime committed in the territory of the one Party, shall be found within the territory of the other Party, under circumstances and conditions stated in the present Treaty.

Article II

Extradition shall be reciprocally granted for the following crimes and offences: -

1. Murder, or attempt or conspiracy to murder.
2. Manslaughter.
3. Administering drugs or using instruments with intent to procure the miscarriage of women.
4. Rape.
5. Carnal knowledge, or any attempt to have carnal knowledge of a girl under the age of puberty, according to the laws of the respective countries.
6. Indecent assault.
7. Kidnapping and false imprisonment.
8. Abandoning, exposing, or detaining children.
9. Abduction.
10. Bigamy.
11. Maliciously wounding or inflicting grievous bodily harm.

12. Assault occasioning actual bodily harm.
13. Threats, by letter or otherwise, with intent to extort money or other things of value.
14. Perjury, or subornation of perjury.
15. Arson.
16. Burglary or housebreaking, robbery with violence, larceny, or embezzlement.
17. Fraud by a bailer, banker, agent, factor, trustee, director, member, or public officer of any Company.
18. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property, knowing the same to have been stolen or unlawfully obtained.
19.
 - a. Counterfeiting or altering money, or bringing into circulation counterfeited or altered money.
 - b. Knowingly making without lawful authority any instrument, tool, or engine adapted or intended for the counterfeiting of the coin of the realm.
20. Forgery, or uttering what is forged.
21. Crimes against bankruptcy law.
22. Any malicious act done with intent to endanger the safety of any persons travelling or being upon a railway.
23. Malicious injury to property, if such offence be indictable.
24. Piracy and other crimes or offences committed at sea against persons or things, which, according to the laws of the High Contracting Parties, are extradition offences.
25. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both States.

Extradition shall also be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties.

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the laws of both the Contracting Parties for the time being in force, the grant can be made.

Provided that the surrender shall be made only when, in the case of a person accused, the commission of the crime shall be so established as that the laws of the country where the fugitive or person so accused shall be found would justify his apprehension and commitment for trial if the crime had been there committed; and, in the case of a person alleged to have been convicted, on such evidence as, according to the laws of the country where he is found, would prove that he had been convicted. Extradition shall not be granted if, according to the laws of either country, the maximum punishment for the offence charged is imprisonment for less than one year.

Article III

No Nicaraguan shall be delivered up by the Government of Nicaragua to the Government of the United Kingdom, and no subject of the United Kingdom shall be delivered up by the Government thereof to the Government of Nicaragua.

Article IV

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom, or the person claimed on the part of the Government of Nicaragua, has already been tried and discharged or punished, or is still under trial in the territory of Nicaragua or in the United Kingdom respectively for the crime for which his extradition is demanded. If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of Nicaragua, should be under examination for any crime in the territory of Nicaragua or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him.

Article V

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

Article VI

A fugitive shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

Article VII

A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made for any other crime, or on account of any other matters than those for which the extradition shall have taken place. This stipulation does not apply to crimes committed after the extradition.

Article VIII

The requisition for extradition shall be made through the Diplomatic Agents, or duly recognized Consuls-General of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by a sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed in contumaciam is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

Article IX

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

Article X

The extradition shall not take place before the expiration of fifteen days from the apprehension, and then only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime has been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition.

Article XI

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as entirely valid evidence the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, provided such documents are signed or certified by a Judge, Magistrate, or officer of such State, and are authenticated by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of State.

Article XII

If sufficient evidence for extradition be not produced, within two months from the date of the apprehension of the fugitive he shall be set at liberty.

Article XIII

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend, not merely to the stolen articles, but to everything that may serve as a proof of the crime.

Article XIV

The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be

surrendered and his conveyance till placed on board ship; they reciprocally agree to bear such expenses themselves.

Article XV

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of His Britannic Majesty.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such Colonies or foreign possessions shall be made to the Governor or chief authority of such Colony or possession by the Chief Consular officer of Nicaragua in such Colony or possession.

Such requisitions may be disposed of (subject always, as nearly as may be, to the provisions of this Treaty) by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government.

His Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Nicaraguan criminals who may take refuge within such Colonies and foreign possessions on the basis, as nearly as may be, of the provisions of the present Treaty.

The requisition for the surrender of a fugitive criminal from any Colony or foreign possession of His Britannic Majesty shall be governed by the rules laid down in the preceding Articles of the present Treaty.

Article XVI

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties by a notice not exceeding one year and not less than six months.

It shall be ratified, and the ratifications shall be exchanged in London within the period of six months from the date of signature.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same and affixed thereto their respective seals.

DONE in duplicate at Managua, the 19th day of April, 1905.

Herbert Harrison

Adolfo Altamirano